

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA**

**JOHN P. POLCASTRO, SR., )  
PLAINTIFF, )  
vs. )  
SHERIFF GREG WARD, et al., )  
DEFENDANTS. )**

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**Case No: 1:05 CV 909-MEF**

**JOHN P. POLCASTRO, SR., )  
PLAINTIFF, )  
vs. )  
GARY WEEKS, TRACY KERSEY, )  
SHAYNE ARNETTE, et al., )  
DEFENDANTS. )**

**Case No: 1:05 CV 910-MEF**

**DEFENDANTS' GARY WEEKS, TRACY KERSEY AND SHAYNE  
ARNETTE'S RESPONSE TO COURT'S ORDER DATED SEPTEMBER 11, 2006**

Come now, Defendants Gary Weeks, Tracy Kersey, and Shayne Arnette in the above-styled cause, and respond to this Court's Order dated September 11, 2006, as follows:

1. Plaintiff, John P. Polcastro, refused to comply with the court's order of September 30, 2005, in that he refused to provide a statement. For this reason, as well as the other reasons contained in these Defendants' Written Report Pursuant to the Court's Order of September 30, 2005 filed with this Honorable Court on November 14, 2005, the plaintiff's complaint is due to be dismissed.

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**DEFENDANTS' GARY WEEKS, TRACY KERSEY AND SHAYNE ARNETTE'S RESPONSE TO  
COURT'S ORDER DATED SEPTEMBER 11, 2006**

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2. The Defendants deny liability for the reasons included in, but not limited to, their report filed on November 14, 2005.

3. The Defendants, Gary Weeks, Tracy Kersey, and Shayne Arnette, decline to enter into any settlement negotiations and reject any offer made by the plaintiff.

Respectfully submitted this the 13<sup>th</sup> day of September, 2006.

/s/ R. Todd Derrick

Steadman S. Shealy, Jr. (SHE023)  
R. Todd Derrick (DER006)  
Attorneys for the Defendants Gary  
Weeks, Tracy Kersey and Shayne  
Arnette

OF COUNSEL:

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Fax (334) 677-0030

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the CM/EFC system, and that I have mailed a copy of the foregoing, postage prepaid and properly addressed, to:

John P. Polcastro, Sr.  
245168  
Fountain 3800  
Atmore, Alabama 36503

This the 13th day of September, 2006.

/s/ R. Todd Derrick  
R. Todd Derrick

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